

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 27, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LANCE A. THOMASON,

Plaintiff,

v.

UNITED STATES,

Defendant.

No. 2:19-cv-00427-SMJ

**ORDER DISMISSING
COMPLAINT**

By Order filed March 11, 2020, the Court advised Plaintiff Lance A. Thomason of the deficiencies of his Complaint, ECF No. 1, and granted him the opportunity to voluntarily dismiss this action within sixty days. ECF No. 7. Plaintiff, a prisoner at the Washington Corrections Center in Shelton, Washington, is proceeding *pro se* and *in forma pauperis*. Defendant has not been served. The Court cautioned Plaintiff that if he chose not to voluntarily dismiss this action, the Court may dismiss it for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). Plaintiff has filed nothing further.

Accordingly, **IT IS HEREBY ORDERED:**

1. Plaintiff's Complaint, ECF No. 1, is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

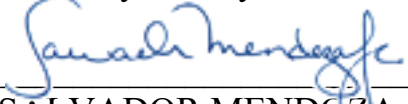
1 2. Based on the Court's reading of *Hoffmann v. Pulido*, 928 F.3d 1147,
2 1152 (9th Cir. 2019), this dismissal will NOT count as a "strike" under
3 28 U.S.C. § 1915(g).

4 3. The Clerk's Office is directed to **CLOSE** this file.

5 4. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal
6 of this Order could not be taken in good faith.

7 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
8 forward a copy to *pro se* Plaintiff at his last known address.

9 **DATED** this 27th day of May 2020.

10 
11 SALVADOR MENDONZA, JR.
 United States District Judge